

The Chairman, Christopher Fejes called the meeting to order at 7:30 P.M., on Tuesday, December 18, 2001.

PRESENT: Kenneth Courtney
Christopher Fejes
Marcia Gies
Michael Hutson
Matthew Kovacs
Mark Maxwell
Walter Storrs

Also Present: Mark Stimac
Bob Davisson
Pam Pasternak

ITEM #1 – APPROVAL OF MINUTES OF MEETING OF NOVEMBER 20, 2001

Motion by Courtney
Supported by Gies

MOVED, to approve the minutes of the meeting of November 20, 2001 as written.

Yeas: 7 – All

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – RENEWAL REQUESTED. WRC PROPERTIES, INC., 888 W. BIG BEAVER, for relief of the Zoning Ordinance to maintain a 4588 square foot habitable space in the parking garage.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board to maintain an area in the parking garage as habitable space. This habitable space results in a gross building area for this site of 334,588 square feet. Section 26.70.00 of the Zoning Ordinance limits the building area on this site to no more than 330,000 square feet. Relief has been granted on a yearly basis since 1980, because the petitioner has indicated that at sometime in the future they would not need or require this additional space. In December 2000, this variance was granted for a period of one year because the petitioner had indicated that they wished to make the space more appealing for future tenants. Conditions remain the same and we do not have any complaints or objections on file.

Mr. James Jonas of Apex Management was present and informed Mr. Stimac that the owner of 888 W. Big Beaver is now 888 W. Big Beaver, Associates, L.L.C. Mr. Jonas explained that this space was used as an evaluation center and is currently vacant. Mr. Jonas went on to say that this area is rented in conjunction with other office space in the building and is not used for storage space or office space.

Motion by Maxwell
Supported by Kovacs

ITEM #2 – con't.

MOVED, to grant 888 W. Big Beaver Associates, L.L.C., a three-year (3) variance for relief of the Zoning Ordinance to maintain a 4588 square foot habitable space in the parking garage.

- There are no complaints or objections on file.
- Variance is not contrary to public interest.

Yeas: All – 7

MOTION TO GRANT VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #3 – RENEWAL REQUESTED. HELLER MACHINE TOOLS, 1225 EQUITY DRIVE, for relief of the Zoning Ordinance to maintain a temporary tent structure at the rear of the existing building.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board to maintain a temporary tent structure at the rear of their building to be used as a temporary storage building. This request first appeared before the Board at the meeting of October 17, 2000. The petitioner was granted a variance at that time, with the stipulation that the tent would be removed by February 2002. In October 2001, the Building Department received a written request asking that this variance be extended until November 2002. Mr. Stimac also noted that the petitioners have filed plans with the planning department for an addition to their building and will appear on the January 2002 agenda. Conditions remain the same and we do not have any complaints or objections on file.

Mr. Joseph Niman, Jr., Operation manager for Heller Machine Tools was present and stated that they have applied for site approval for an addition to their building, and they were hoping that the expansion would be completed by July 2002. Mr. Niman went on to say that the tent is at the back of the property and is out of view.

Motion by Courtney
Supported by Gies

Moved, to grant Heller Machine Tools, 1225 Equity Drive relief of the Zoning Ordinance to maintain a temporary tent structure at the rear of the existing building.

- Tent will be removed by November 2002.
- There are no complaints or objections on file.
- Variance is not contrary to public interest.

Yeas: All – 7

MOTION TO GRANT REQUEST UNTIL NOVEMBER 2002 CARRIED

ITEM #4 – RENEWAL REQUESTED. COMMUNITY BOWLING CENTERS, 1950 E. SQUARE LAKE, for relief of the Zoning Ordinance to maintain a 6' high earth berm in place of a 6' high masonry-screening wall along the west property line.

Petitioner is requesting renewal of a variance granted by this Board to maintain a 6' high earth berm in lieu of the 6' high masonry-screening wall required at the west property line which abuts residential zoning. This variance has been granted on a yearly basis since 1977, primarily because the adjacent residential property is used as a Church. In January 1998 this Board renewed this variance for three (3) years; unfortunately the Building Department did not notify the petitioner in January 2001 regarding renewal of this variance. To date, conditions remain the same and there are no complaints or objections on file.

Mr. Riley Johnson of Community Bowling Centers was present and stated that this area is kept in a natural state and he wishes to keep it this way rather than add a wall.

Mr. Fejes stated that he is very concerned because the area is not kept clean and free of debris. Mr. Johnson replied that the area will be cleaned up and kept clean. Mr. Fejes went on to say that he likes the look of a natural barrier, but believes the site can be kept much cleaner.

Motion by Hutson
Supported by Courtney

MOVED, to grant Community Bowling Centers, 1950 E. Square Lake, relief of the Zoning Ordinance to maintain a natural setting in place of a 6' high masonry-screening wall along the west property line until December 2002.

- Area will be cleaned up and kept clean of debris.
- Variance has been granted since 1977, and there are no complaints or objections on file.
- Variance is not contrary to public interest.

Yeas: All – 7

MOTION TO GRANT VARIANCE UNTIL DECEMBER 2002 CARRIED

ITEM #5 – RENEWAL REQUESTED. SIEMENS AUTOMOTIVE, 4685 INVESTMENT DR., for relief of the Zoning Ordinance to maintain a 3'6" high landscaped berm along the west side of 4685 Investment, where a 6' high decorative masonry screen wall is required.

The Chairman moved this item to the end of the Agenda, Item #8, to allow the petitioner the opportunity to be present.

Mr. Hutson excused himself from hearing Item #6, as Mr. and Mrs. Valente are clients of his.

ITEM #6 – VARIANCE REQUESTED. MR. & MRS. TONY VALENTE, 132

ASPINWALL, for relief of the Ordinance to maintain an addition to an attached garage that exceeds the maximum allowable square footage requirement.

Mr. Stimac explained that the petitioners are requesting relief of the Ordinance to maintain an addition to a detached garage. The application submitted indicates a 480 square foot addition has been built to an existing 1200 square foot detached garage, resulting in a 1680 square foot building. This addition was constructed without first obtaining a building permit. Section 40.57.04 limits the size of all accessory buildings on a parcel of land to 600 square feet or one-half the ground floor area of the main building whichever is greater. The house footprint is 2145 square feet. As such, accessory buildings are limited to 1073 square feet on this site.

This item first appeared before this Board at the meeting of November 20, 2001 and was postponed to allow the petitioner the opportunity to bring in a proposal for screening and to work with his neighbor to determine if a viable solution could be found to the satisfaction of both parties. The Building Department has spoken with the petitioner and the neighbor to the west and is proposing a screening plan along the west line of the petitioner's property. At this time the petitioner does not know if he will be doing any outside storage of vehicles or lawn equipment behind the building. It is the Building Department's recommendation that if the Board does approve the request, that it be stipulated that the screening extend at least to (or possibly 10'-20' beyond) the northern limit of the building or any outside storage. A site sketch, prepared by the Building Department, is enclosed for your reference. A copy of this plan has been provided to the petitioner and the adjacent property owner.

Also, postponing the item was to allow the Building Department to inspect the site and determine the height of the existing building. Mr. Stimac determined that the average roof height of this structure is 13' – 5 ½ ". A sketch showing the existing building height is also enclosed for your reference. With regards to the shed building, the petitioner has indicated that he will be moving the building off the site.

Mr. and Mrs. Valente were present and stated that they wished to keep their property as clean as possible and did not have a problem with adding the extra screening or fencing.

Mr. Maxwell stated that after looking at the property, he is concerned about the size of the building and believes that it looks almost like a commercial building, rather than a residential garage. Mr. Maxwell also expressed concern about the fact that the neighbor on the east side of the property is not provided any additional screening. Mr. Maxwell also pointed out that due to the fact that the variance stays with the property, even though it is not used for commercial purposes now, it could be used for commercial purposes with a new owner.

ITEM #6 – con't.

Mr. Maxwell also asked Mr. Valente if he could put this structure in a different location on his property. Mr. Valente stated that the reason they put the structure here was because it was hidden from view. Mr. Maxwell stated that he would want extra plantings on the east side of the property as well as the west side. Mrs. Valente stated that they plan on doing extra plantings. Mr. Maxwell also said that he thinks that the structure could be put in another area of the lot.

Mr. Courtney asked if the original structure met the requirements of the Zoning Ordinance. Mr. Stimac stated that a Building Permit was obtained for a garage that complied with the Ordinance; however, the structure that was built was slightly larger than the proposed plan.

The Chairman opened the Public Hearing.

Mr. Karpov, 154 Aspinwall was present and stated that when he came to the meeting in November, he left with the understanding that Mr. Valente would come and talk to him regarding a compromise and equitable solution for both neighbors. Mr. Karpov went on to say that Mr. Valente called him once but that they have not had any other contact. Mr. Karpov also stated that he was very disappointed with the lack of response from Mr. Valente and the Building Department, and that he is now asking the Board to deny Mr. Valente's request for a variance. Mr. Karpov does not believe that Mr. Valente has presented a hardship with the land and that by adding the addition to the garage, there will be an increase in the amount of noise and traffic in the area. Mr. Karpov does not believe that any compromise can be made at this point.

Mr. Kovacs asked Mr. Karpov if he would be happy with the variance request if extra screening were provided. Mr. Karpov stated that at this point he is totally against the variance request, due to the lack of trust that has developed between the neighbors. Mr. Karpov also went on to say that he believes that this addition will create a commercial look to the area rather than residential.

No one else wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There are two (2) written objections on file.

Motion by Courtney
Supported by Maxwell

MOVED, to grant Mr. and Mrs. Tony Valente, 132 Aspinwall, relief of the Ordinance to maintain a 1200 square foot garage that exceeds the maximum allowable square footage allowed on the property.

- Shed must be removed.
- Variance is for existing garage only.

ITEM #6 – con’t.

Yeas: 6 – Storrs, Courtney, Fejes, Gies, Kovacs, Maxwell

Excused: 1 – Hutson

MOTION TO GRANT VARIANCE FOR ORIGINAL STRUCTURE CARRIED

Motion by Courtney

Supported by Maxwell

MOVED, to deny the request of Mr. and Mrs. Tony Valente, 132 Aspinwall for relief of the Zoning Ordinance to maintain an addition to an existing garage that exceeds the maximum allowable square footage requirement.

- Petitioner failed to prove a hardship.
- This variance would be contrary to public interest.
- This request would have an adverse effect on surrounding property.

Yeas: 6 – Courtney, Fejes, Gies, Kovacs, Maxwell, Storrs

Excused: 1 – Hutson

MOTION TO DENY REQUEST CARRIED

ITEM #7 – VARIANCE REQUESTED. MR. & MRS. THOMAS GORMAN, 3811 EASTBOURNE, for relief of the rear yard setback to construct a master bedroom addition.

Mr. Stimac explained that the petitioners are requesting relief of the Zoning Ordinance regarding the rear yard setback to construct an addition to their home. The site plan submitted indicates that the proposed master bedroom addition would result in a 30.19' rear yard setback. Section 30.10.02 of the Zoning Ordinance requires a 45' minimum rear yard setback in the R-1B Zoning District.

Mr. Kevin Hart, the Architect for Mr. and Mrs. Thomas Gorman, and Mr. Thomas Gorman were present. Mr. Hart stated that the Gorman's home is 1800 square feet and they are looking to expand the master bedroom. Mr. Hart also stated that they had determined that this would be the only location that they could add on to the home and still keep the home in line with other homes in the area. Mr. Hart went on to say that they had spoken with the neighbors, as well as the Homeowner's Association and no one objected to this request.

Mr. Hutson asked what the hardship was and stated that he felt that this variance request was a very large one. Mr. Hutson also indicated that he felt that the petitioner could expand his home in another location. Mr. Hutson was concerned that this request would set a precedent for other homes in the area. Mr. Hart pointed out that they felt that this expansion would be in keeping with the "fabric" of the neighborhood. Mr. Gorman stated that he and his wife liked everything about their home, with the

ITEM #7 – con't.

exception of the size of the master bedroom. Mr. Gorman went on to say that his home has three bedrooms and one and one-half bathrooms, and they wish to expand the master bedroom and bath to give his wife more space. Mr. Gorman also said that they like the fact that their home is a ranch and do not wish to add a second story.

Mr. Maxwell asked what would happen if the variance request was not granted, and Mr. Gorman stated that he would probably cancel the project. Mr. Maxwell also said that he thought that the addition could go on the north side of the house and would not encroach into the setbacks as much. Mr. Gorman stated that the garage is on the north side of the house, and he did not wish to add a larger bedroom on that side. Mr. Gorman also said that he feels that an addition on this side of the house would give the home a jagged appearance.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one written approval on file. There are no written objections on file.

Motion by Maxwell
Supported by Hutson

Moved, to postpone the request of Mr. and Mrs. Thomas Gorman, 3811 Eastbourne, for relief of the rear yard setback to construct a master bedroom addition until the next meeting of January 15, 2002.

- Tabling will allow the petitioner the opportunity to determine what other options are available.
- Tabling will allow the petitioner to explore the possibility of adding on to his home on the north side of the property.

Yeas: All – 7

MOTION TO POSTPONE REQUEST UNTIL MEETING OF JANUARY 15, 2002
CARRIED

ITEM #8 (ITEM #5) – RENEWAL REQUESTED. SIEMENS AUTOMOTIVE, 4685 INVESTMENT DR., for relief of the Zoning Ordinance to maintain a 3'6" high landscaped berm along the west side of 4685 Investment, where a 6' high decorative masonry screen wall is required.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board for relief to maintain a 3'6" high landscaped berm along the west side of the site where a 6' high decorative masonry screen wall is required. This item last appeared before the Board at the meeting of December 2000 and was granted a one (1) year variance to allow the petitioner to add additional plantings and to allow the

ITEM #8 – con't. (ITEM #5)

residents to determine if the additional plantings would provide the extra screening requested. The Building Department has received notice from the Parks and Recreation Department stating that they feel that the extra plantings far exceed the requirements of the residents. To date, conditions remain the same and there are no complaints or objections on file

Motion by Courtney
Supported by Gies

MOVED, to postpone the request of Siemens Automotive, 4685 Investment, Dr., for relief of the Zoning Ordinance to maintain a 3'-6" high landscaped berm along the west side of 4685 Investment, where a 6' high decorative masonry screen wall is required until the meeting of January 15, 2002.

- To allow the petitioner the opportunity to be present.

Yeas: 6 – Fejes, Gies, Hutson, Kovacs, Maxwell, Courtney
Nays: 1 – Storrs

MOTION TO TABLE REQUEST UNTIL MEETING OF JANUARY 15, 2002 CARRIED.

Mr. Storrs introduced Cindy Pennington as a possible candidate for the Board of Zoning Appeals in the future.

The Board of Zoning Appeals meeting adjourned at 9:00 P.M.

MS/pp